

REMARKS

Claims 1-14 were pending in the application. In response to the office action, applicants have amended claims 1, 3, 5, and 14, and added new claims 15 and 16. Claims 1-16 are now pending for reconsideration.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,522,283 (Shiga). Applicants respectfully traverse this rejection for the following reasons.

Applicants have incorporated original dependent claim 3 into amended independent claim 1. The office action asserts that the features of original dependent claim 3 are inherently described in Shiga. This is incorrect.

To be inherent, it is not enough that the feature may be present. To prove anticipation by inherency, it is required that the feature must necessarily be present. See MPEP § 2112. If the inherency rejection is maintained, applicants respectfully request that the Examiner perform the full analysis required by MPEP § 2112 and at least attempt to meet the burdens of establishing inherency required by MPEP § 2112.

Applicants first note that the keys relied upon in the office action (namely keys 321, 322, and 326) all belong to the electronic appliance control group and have specific operations assigned thereto (see col. 3, lines 15-21), none of which correspond to the features of amended claim 1. It is not inherent and is in fact counter-indicated that these keys would be associated with opening a file folder on a computer. In any event, one skilled in the art would understand that in various contexts the various keys on a keyboard may correspond to any of a multitude of operations. Accordingly, it is not inherent that the keys described in Shiga correspond to the specific operation recited in amended claim 1.

Because the office action admits that Shiga does not explicitly describe the second set of keys includes a key associated with opening a file folder on a computer, and because such feature is not inherently described in Shiga, amended claim 1 is patentable over Shiga. Dependent claims 2-5 are likewise patentable.

Amended claim 3 recites that the second set of keys includes a key associated with opening a file folder containing computer media files on a computer. This claim is supported in the originally filed specification at page 4, paragraph 0016, lines 28-30. These further features are likewise not taught, suggested, or inherently described in Shiga.

With respect to claim 5, the office action asserts that Shiga describes a remote control. Those skilled in the art would appreciate that a wireless keyboard, even if providing remote operation, is different from a remote control. In any event, applicants have amended claim 5 to recite a hand-held remote control to obviate this rejection. This amendment is supported at least by originally filed Figs. 6 and 7. Applicants note that Shiga teaches away from the use of such hand-held remote control devices (see col. 2, lines 5-6).

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,366,452 (Wang). Applicants respectfully traverse this rejection for the following reasons.

As recited in claim 6, the housing enclosing a processor-based system is separate and distinct from the pedestal base. In Wang, the housing for the host computer and the base are one in the same. Wang describes that in Fig. 2, the "base stand 32 is a host computer." See col. 2, lines 40-41 (emphasis added). In other words, Wang does not describe a housing enclosing a processor-based system which is mounted on a pedestal base. The claimed arrangement provides advantages in that the housing may be removed and upgraded or serviced without disturbing the pedestal base support for the display.

Because Wang does not teach or suggest a housing mounted on the pedestal base behind the display, the housing enclosing a processor-based system, claim 6 is patentable over Wang.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of U.S. Patent No. 6,243,068 (Evanicky). Applicants respectfully traverse this rejection for the following reasons.

For the reasons noted above in connection with claim 6, the office action does not correctly set forth the contents of the prior art because Wang teaches only that the base 32 houses a host computer. Evanicky fails to make up for the deficiencies in Wang. Accordingly, the office action fails to establish a prima facie case of obviousness and claim 7 is patentable over Wang in view of Evanicky.

Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Evanicky, and further in view of U.S. Patent Publication No. 2002/0124271 (Herrmann). Applicants respectfully traverse this rejection for the following reasons.

For the reasons noted above in connection with claim 6, the office action does not correctly set forth the contents of the prior art because Wang teaches only that the base 32 houses a host computer. Evanicky and Herrmann both fail to make up for the deficiencies in Wang. Accordingly, the office action fails to establish a prima facie case of obviousness and claims 8 and 9 are patentable over Wang in view of Evanicky and Herrmann.

Claim 8 recites a subwoofer disposed in the pedestal base. Herrmann describes a very large kiosk style media terminal, of the type you might encounter in a shopping mall. Applicants submit that Herrmann is non-analogous art with respect to Wang and Evanicky. Applicants note that neither the US nor International Classifications of the Wang and Herrmann references are the same. From a common sense point of view, one

skilled in the art would not be motivated to incorporate the subwoofer from Herrmann into the base 32 of Wang.

Because the office action fails to establish a prima facie case of obviousness, and because there is no motivation to combine the three references as proposed, and because one skilled in the art would not be motivated to modify Wang with the teachings of Herrmann as proposed, claim 8 is patentable over Wang in view of Evanicky and Herrmann.

Claim 9 recites a subwoofer disposed in the housing. As noted above, the housing enclosing the processor-based system is separate and distinct from the pedestal base. The office action misconstrues either the claim, the reference, or both. Nothing in the cited portion of Herrmann describes a subwoofer in a housing which encloses a processor-based system. The cited item 292 is described as an upper chassis box 292 which has no apparent relevance to the claim language. The only housing enclosing a processor-based system described in Herrmann appears to be the computer 270. But Herrmann does not teach or suggest the subwoofer 262 being disposed in the computer 270.

Because the office action fails to establish a prima facie case of obviousness, and because there is no motivation to combine the three references as proposed, and because one skilled in the art would not be motivated to modify Wang with the teachings of Herrmann as proposed, and because Herrmann fails to teach or suggest a subwoofer disposed in the housing enclosing the processor-based system, claim 9 is patentable over Wang in view of Evanicky and Herrmann.

Claims 10-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Shiga. Applicants respectfully traverse this rejection for the following reasons.

For the reasons noted above in connection with claim 6, the office action does not correctly set forth the contents of the prior art because Wang teaches only that the base 32

houses a host computer. Shiga fails to make up for the deficiencies in Wang. Accordingly, the office action fails to establish a prima facie case of obviousness and claims 10-14 are patentable over Wang in view of Shiga.

With respect to claim 12, for the reasons given above in connection with claim 1, the office action admits that Shiga does not explicitly describe the second set of keys includes a key associated with opening a file folder on a computer, and such feature is not inherently described in Shiga. Accordingly, claim 12 is patentable over Wang in view of Shiga.

With respect to amended claim 14, for the reasons given above in connection with claim 5, Shiga does not teach or suggest the recited hand held remote control. Accordingly, claim 14 is patentable over Wang in view of Shiga.

New claim 15 recites features similar to amended claim 3 and is believed to be patentable over the prior art of record.

New claim 16 recites wherein the housing is substantially concealed behind the display. This claim is supported at least by originally filed Figs. 1 and 2.

In view of the foregoing, favorable reconsideration and withdrawal of the rejections is respectfully requested. Early notification of the same is earnestly solicited. If there are any questions regarding the present application, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

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Date
Intel Americas, Inc.
LF3
4030 Lafayette Center Drive
Chantilly, VA 20151

Respectfully submitted,
/Paul E. Steiner/
Paul E. Steiner
Reg. No. 41,326
(703) 633 - 6830